

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SIMEON ESPARZA, JR.,)	CASE NO.: 3:06CV1690
)	
Petitioner,)	JUDGE JOHN ADAMS
)	
v.)	
)	
JEFFERY WOLFE,)	<u>MEMORANDUM OF OPINION</u>
Warden,)	<u>AND ORDER RE: DISMISSING</u>
)	<u>PETITIONER'S APPLICATION</u>
Respondent.)	<u>FOR WRIT OF HABEAS CORPUS</u>

Simeon Esparza, Jr., filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, alleging four grounds for relief which challenge the constitutional sufficiency of his conviction and sentence on drug possession charges.

On August 30, 2006, the case was referred to Magistrate Judge William H. Baughman, Jr., for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and Local Rule 72.2(b)(2). *See* Order (Doc. 3). On September 12, 2008, the Magistrate Judge submitted a Report and Recommendation (Doc. 15) recommending that the petition be denied.

Fed. R. Civ. P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but neither Petitioner, who is represented by counsel (*See* Doc. 12), nor Respondent has filed any such objections. Therefore, the Court must assume that the parties are satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the Magistrate Judge is hereby adopted.

Simeon Esparza's Petition for a Writ of Habeas Corpus will be dismissed.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

September 30, 2008
Date

s/ John R. Adams
John R. Adams
U.S. District Judge